

**Pursuant to R.I.G.L. 23-28.01-6, the State Fire Marshal and the State Building Commissioner completed Phase One of this project by submitting a document that identifies areas of overlap and possible conflict between the 2003 edition of the National Fire Protection Association's Life Safety Code (NFPA 101) and the newly adopted International Building Code (IBC). We greatly appreciate the efforts of Commissioner DeDentro and Marshal Owens, and their respective staffs, in preparing this document. We also wish to recognize the long hours that other construction code enforcement professionals, such as George Calise of the Providence Fire Marshal's Office and Timothy Hawthorne of the Cranston Fire Marshal's Office, devoted to this project.**

**Phase Two of this project directed the Rehabilitation Board to review the findings of the Fire Marshal and the Building Commissioner and make recommendations to the Fire Safety Code Board of Appeal & Review and the Building Code Standards Committee. Draft preliminary findings and recommendations of the Rehabilitation Board were approved by a subcommittee of the Board and are outlined below. This draft has been submitted in order to adhere to the statutory deadline. However, the Rehabilitation Board specifically reserves the right to supplement and/or otherwise modify these recommendations pursuant to a review by the full Board.**

**RHODE ISLAND HISTORICAL BACKGROUND:**

**In 1966, the State of Rhode Island adopted a single comprehensive Building and Fire Code, and created the State Fire Board to hear appeals from the strict enforcement of this code. This code was re-enacted in 1968 and formed the basis for minimum fire protection, and limited structural standards, for most commercial buildings. Some cities and towns enforced additional specialized requirements, covering structural, mechanical, electrical and plumbing elements of construction. However, others did not enforce all of these standards. As a result, the quality of building construction could vary from city to city.**

**In 1974, the State rectified this situation by creating the Building Codes Standards Committee and laying the foundation for the current statewide Building Codes. The State Building Codes establish minimum structural, mechanical, electrical and plumbing standards for construction.**

**For the past thirty (30) years, Rhode Island has required that newly constructed buildings comply with a statewide fire code, a statewide building code, a statewide mechanical code, a statewide electrical code and a statewide plumbing code. Additional statewide construction codes and standards, covering such areas as energy, fuel gas, and accessibility, have been added in recent years.**

**On July 7, 2003, the Governor approved legislation that adopted NPFA 1 and 101, (2003 editions), as amended by the Fire Board, as**

**the new statewide fire code effective February 20, 2004. Earlier editions of NFPA 1 and 101 have been in use, as the fire codes covering new construction in Rhode Island, since 1996. The new law eliminated the practice of “grandfathering” and expanded the coverage of these codes to existing buildings.**

**The State Building Board subsequently adopted the 2003 edition of the International Building Code as the new State Building Code. The State Building Board also adopted the 2003 editions of the International Residential Code, the International Plumbing Code, the International Mechanical Code, the International Electrical Code, the International Energy Code, and the International Fuel Gas Code as the new Rhode Island construction codes covering these specialized areas. The effective date of the codes, adopted by the Building Board, was July 1, 2004.**

**There is general agreement that specialized construction codes, covering life safety, along with structural, mechanical, electrical and plumbing elements of construction are necessary in assuring the public that the buildings they occupy are safe. Recently, the National Construction Code groups attempted to incorporate the above specialized code standards into a single “family of codes”. However, this effort apparently failed resulting in the two major publishing groups each offering their own “family of codes”.**

**THE NATIONAL CONSTRUCTION CODE GROUPS:**

**For many years, the several large publishing houses separately assembled and distributed construction and safety codes for review and adoption by states, cities and towns. In the past few years, there was an effort, at the national level, to consolidate these various construction codes into one “family of codes”. The publishing houses made substantial progress in this area and several of the major construction code publishers agreed to the consolidation of their codes into the “International Code”.**

**However, there were apparently disagreements between the National Fire Protection Association (NFPA) and the other members of the International Code Council (ICC). Accordingly, the NFPA Life Safety Code, and certain other NFPA codes are not included in the International Code Council’s “family of codes”.**

**The International Code Council addressed this disagreement by creating its own fire code, called the “International Fire Code”, and including this new fire code in its “family of codes”. The National Fire Protection Association addressed this disagreement by creating its own building code, “NFPA 5000”, and including this new building code in its “family of codes”. Accordingly, we now have two major “families of codes” covering construction.**

**The vast majority of local fire officials are familiar with the format and substance of the NFPA documents. Likewise, the vast majority of**

**local building officials are familiar with the format of the International Code documents. Accordingly, if there were an adoption of one family of codes, these local officials generally favor the group of codes with which they familiar.**

**However, when polled privately, it appears to be the general opinion of both local code enforcement groups that the newly developed NFPA Building Code and the new International Fire Code may not be as comprehensive as the codes that they purport to substitute. Over time this may change and we may revisit the issue. Also, it is possible that these publishing companies may eventually resolve their differences and consolidate their codes into a new “single family of codes”.**

**In light of the above, the Rehabilitation Board currently recommends maintaining the recently adopted NFPA 1 and 101 (Fire Code Group) along with the newly adopted International Codes (Building Code Group) rather than adopting one of the two “families of codes”. In an effort to coordinate these codes the Rehabilitation Board offers the following “Guiding Principles”.**

#### **GUIDING PRINCIPLES FOR CODE COORDINATION:**

**National standards should generally be favored, and adopted by, the Boards reviewing and coordinating the construction codes. The**

**NFPA and International Code Council standards are carefully developed by committees having years of practical and technical experience. While there may be desirable local amendments providing for superior protection, in general we should adhere to national standards wherever possible.**

**We should reduce the number of local amendments wherever possible. Local amendments have been inserted into the codes for various reasons over the years. It is advisable to review all local amendments to determine if they are necessary or if they have outlived their usefulness. All local amendments that cannot be fully justified should be removed.**

**We must defer to other state codes where feasible. If there is currently a state standard in place that covers a specific area of construction, we should defer to it and not reference another code. Accordingly, it is recommended that it be noted in the beginning of the Rhode Island Fire Code that all references to NFPA 5000 shall automatically be references to the Rhode Island Building Code. Likewise, it is recommended that it be noted in the beginning of the Rhode Island Building Code that all references to the International Fire Code shall automatically be references to the Rhode Island Fire Code. These simple notations will effectively assure that Rhode Island maintains only one building code and only one fire code.**

**The Building and Fire Boards must work more closely together in**

**coordinating codes during the code development cycles. Issues such as possibly conflicting standards handrail placement, or the length of exit travel, should be discussed and resolved prior to the issuance of regulations.**

**The Building and Fire Boards must review the current educational activities of the State Building Commissioner and the State Fire Marshal. The Boards could jointly recommend funding plans, cross-training programs, and other initiatives to the Governor and the General Assembly for implementation. Plan review and other collected fees could be dedicated to these programs to assure proper education of the enforcement community, the design professional community and the general public.**

**The “most stringent” construction standard may not always be the most reasonable. Code sections should be reviewed in the context of other requirements. For example, if one code requires a higher fire rating but no sprinkler coverage, and the other code has a sprinkler requirement but requires no fire rating, a reasonable approach would be to allow either package as an option rather than require both the high fire rating and sprinkler coverage.**

## **ACTION ITEMS:**

**The Building, Fire, and Rehabilitation Boards should consider developing the construction codes together in a coordinated manner.**

**This process could begin with the current coordination of codes. It could continue with each new code cycle.**

**The Building, Fire, and Rehabilitation Boards should also consider designating a single group of their members as the sole Board of Appeals. Currently, a property owner or developer may have to appear before three separate boards (a local building board, the State Building Board and the State Fire Board) in order to secure the requested relief. A single statewide Board, hearing a single case, would greatly expedite this process.**

**Consideration should be given to allowing the State Building Commissioner and the State Fire Marshal to grant routine variances or modifications from the code. This process would have to be strictly documented with appeals to an independent board of appeal. In order to avoid “the appearance of impropriety” in the appeals process, the state appeals board should remain independent of the State Fire Marshal and the State Building Commissioner.**

**Known conflicts should be addressed and immediately resolved by blanket variance. The issues of sprinkler coverage in elevator shafts and machine rooms was identified and initially resolved by both boards through the blanket variance process. We are continuing to work with the Office of the State Elevator Inspector and the elevator industry for a permanent resolution of this conflict.**



**Critical and potentially hazardous businesses should have their operating licenses linked to their current certificate of occupancy. For example, an owner seeking a nightclub or entertainment license should present the licensing authority a current certificate of occupancy that corresponds with that use. This will assure that the building is properly inspected, for the proposed use, before the license is issued.**

**Code coordination can be furthered by a “routing slip system”. This process currently exists in many cities and towns. However, it should be made uniform and applied universally. This eliminates “last minute delays” in the processing of construction plans.**

**Practical “road maps” and “hand books” should be developed and coordinated by staff. This would assure that all parties utilizing these codes are fully informed as to the requirements and procedures of the codes. This process should be extended to the other state and local bodies that oversee elements of construction and land use. (Zoning, DEM, Coastal etc.)**

**Consideration should be given to the creation of a Department of Public Safety with oversight authority covering the State Fire Marshal and the State Building Commissioner. This type of division exists in Connecticut and in other states. It has been discussed for over a decade in Rhode Island. However, no action has been taken to fully establish such a department.**

**The Building and Fire Boards should receive their statutory compensation. The statutory compensation of the members of the State Building and Fire Boards has been suspended each year for the past thirteen (13) years. The members of these Boards attend weekly meetings during which they develop codes and hear appeals. The architects, engineers, contractors, fire chiefs and other specialists have saved the state millions of dollars in personnel costs through their efforts. Compensating these members annually would cost the State less than the equivalent of two (2) mid-level FTEs. This should again be recommended to the Governor and the Legislature.**

**Negotiations should continue with the NFPA and the International Code group to purchase the rights to post the full Rhode Island Fire and Building Codes on line. The national codes are copyrighted and are generally purchased separately. It would be very helpful to allow all Rhode Island code users free access to these codes with the Rhode Island amendments. There has currently been some discussion about this with the NFPA.**

**The Rehabilitation Board stands ready to work closely with both the Building and Fire Boards on this project.**